



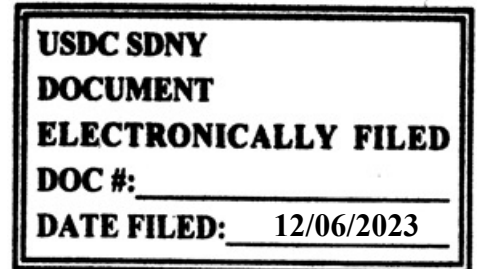
MEMO ENDORSED

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December 6, 2023

VIA ECF

Hon. Katharine H. Parker, U.S.M.J.
U.S. District Court
Southern District of New York
500 Pearl Street, Room 750
New York, NY 10007



RE: Request to Adjourn Settlement Conference – *The Amalgamated National Health Fund, et al. v. Hickey Freeman Tailored Clothing, Inc., et al.*, Case No. 23-cv-01428 (GHW) (KHP)

Dear Judge Parker:

We are counsel to plaintiffs in the above referenced action. We write pursuant to your Honor's Individual Practices to request that the Court adjourn the settlement conference currently scheduled for Wednesday, December 13, 2023 at 10:00 a.m.

Following the October 4, 2023 telephonic Case Management Conference with the Court, the parties have engaged in initial settlement discussions. The parties, with defendants now represented by new counsel, executed a confidentiality agreement to govern the exchange of documents for settlement purposes, and on November 27 and 29, 2023, defendants provided certain documents to plaintiffs in connection with these settlement discussions. Further, and pursuant to your Honor's Individual Practices, the parties exchanged settlement proposals on November 28, 2023 and December 5, 2023. While plaintiffs appreciate the very recent momentum towards a potential settlement, plaintiffs – two employee benefit plans governed by the Employee Retirement Income Security Act of 1974, as amended, and their Trustees – have not had sufficient opportunity to complete their review and analysis of the documents defendants recently shared or to potentially confer with a forensic auditor to be in a position to agree to resolve this action. Plaintiffs, nevertheless, are in the process of conducting their review of these documents (and may seek additional documents or information to facilitate this review and inform their settlement position).

Accordingly, given that the parties are still in the midst of evaluating their settlement positions and questions related to the documents defendants provided, plaintiffs do not believe this action is ripe yet for resolution through a settlement conference and do not believe that proceeding next week would be an effective use of the Court's time and resources at this juncture. Accordingly, Plaintiffs request that the settlement conference be adjourned, while, in the interim, the parties continue their settlement discussions through counsel. The parties intend to contact the Court to reschedule the settlement conference at a later date once in a position to proceed and maximize the value of the Court's time and involvement.

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This is plaintiffs' first request to adjourn the settlement conference. Defendants have consented to this request.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Respectfully Submitted,

/s/ Max Garfield

Max Garfield

cc: All counsel of record

APPLICATION GRANTED: The Settlement Conference in this matter scheduled for December 13, 2023 is hereby canceled. A settlement status telephone conference with counsel is hereby scheduled in its place for Wednesday, December 13, 2023 at 10:00 a.m. Counsel for the parties are directed to call the Court conference line at the scheduled time. Please dial (866) 434-5269, Access code: 4858267.

APPLICATION GRANTED

A handwritten signature in black ink, appearing to read "Katharine H. Parker", written over a horizontal line.

Hon. Katharine H. Parker, U.S.M.J.

12/06/2023